

IN THE DRAWINGS:

Submitted herewith are four sheets of replacement drawings containing Figs. 1-9 for entry in the application file. The changes made to the original drawings that are incorporated in the replacement drawings are described below in the Remarks section.

ADDITIONAL FEE:

No additional fee is believed required in connection with this response. However, should it be determined that a fee is due, authorization is hereby given to charge any such fee to our Deposit Account No. 01-0268.

### REMARKS

In the last Office Action, claims 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 4,498,473 to Gereg in view of US 6,755,794 to Soukup. Claims 11-27 were withdrawn from further consideration as being drawn to a non-elected invention the drawings were objected to because the figures are hand drawn and illegible, and corrected drawings were required.

In accordance with this response, non-elected claims 11-27 have been canceled subject to applicant's right to pursue the subject matter thereof in a continuing application. Claims 28 and 30 have been amended, and new claims 31-42 have been added. The specification has been revised in editorial respects to improve the wording and to provide an antecedent basis for the claim language. A set of replacement drawings has been submitted to comply with the requirement for corrected drawings.

Applicant respectfully traverses the requirement for new corrected drawings, which have been required "because figures are hand drawn and illegible." There is nothing in the federal regulations that proscribes hand-drawn figures, which are commonplace in patents and patent applications. Thus the fact that the drawings are hand drawn is not a proper basis for requiring new drawings. The drawings are also

legible in all respects and have been accepted by the Office of Initial Patent Examination for publication purposes. The Examiner's attention is respectfully invited to the legibility of the drawings in Patent Application Publication No. US 2006-0015038. The Examiner has not indicated any portion of the drawings that is illegible. To the extent that some of the reference characters may be illegible, a set of replacement drawings is submitted herewith on which certain reference characters have been corrected and made more legible. In view of the foregoing, applicant submits that the original drawings as well as the replacement drawings comply with the drawing requirements of the federal regulations.

The present invention relates to a guide device for positioning a catheter in a body duct. In the embodiment of the invention illustrated in Fig. 1 and embodied in the claims, the guide device comprises a flexible sleeve 13 dimensioned to be inserted into a body duct, and a first elongate, stretchable hollow body 2 disposed inside the sleeve 13 and extending in an axial direction along the sleeve. A plurality of second elongated bodies 3 are disposed inside the sleeve 13 around the outer circumference of the first body 2, and the second bodies 3 extend lengthwise in the axial direction in side-by-side relation with one another along the sleeve 13. The first and second bodies 2,3 are movable

relative to one another to impart flexibility to the guide device to facilitate insertion into a body duct. After insertion, stiffness is imparted to the guide device by, for example, a pressurized fluid inside the first hollow body 2, which stretches the first body radially outwardly to radially press the second bodies 3 against the inner wall of the sleeve 13, thereby imparting stiffness to the guide device.

Applicant respectfully traverses the prior art rejection of claims 28-30 as being unpatentable over Gereg in view of Soukup.

Independent claim 28 recites a guide device comprising a flexible sleeve, a first elongate, stretchable hollow body disposed inside the sleeve and extending lengthwise in an axial direction along the sleeve, and plural second elongate bodies disposed inside the sleeve around the outer circumference of the first body extending lengthwise in the axial direction in side-by-side relation with one another along the sleeve. Claim 28 further recites that the first and second bodies are movable relative to one another to impart flexibility to the guide device, and means for stretching the first body radially outwardly to radially press the second bodies against the inner wall of the sleeve to impart stiffness to the guide device. No similar guide device is disclosed or suggested by the combination of Gereg and Soukup.

Gereg discloses a device for guiding a catheter in a body duct and as applied in the statement of rejection, the reference discloses a flexible sleeve 20, a first elongate stretchable hollow body 21 disposed inside the sleeve and extending lengthwise therealong, and plural second elongate bodies 19 disposed inside the sleeve 20 around the outer circumference of the first body 21 and extending lengthwise along the sleeve 20. Applicant respectfully disagrees with this interpretation of Gereg as applied to the claims.

In the Gereg guide device, helical tubing 19 is wound around a thin walled tube 21, and the assembly 19,21 is inserted into a thin walled tube 20. The helical tubing 19 is connected at one end to a passageway 25 that leads to an airway extension tube 14 and is connected at its other end to an air passage 28. A helical space 22 is formed between the inner wall of the tube 20, the outer wall of the tube 21 and the helical tubing 19, and this helical space is connected at one end to a passageway 24 which is connected to an airway extension tube 50 (column 2, lines 59-65). The helical tubing 19 is bonded to both of the tubes 20 and 21 (column 2, lines 35-36), and the materials of the tubes 20,21 is selected to allow bonding (column 3, lines 37-44).

During use of the guide device, pressurized air is introduced into the helical space 22 through the air extension

tube 15 and the passageway 24 to impart stiffness to the tube assembly and in this stiffened state, the guide device is introduced into a patient and suitably positioned.

Thereafter, a valve 17 is opened, releasing the air pressure in the helical space 22, thereby rendering the tube assembly flaccid and allowing it to conform to the anatomical shape of the patient's airway. See column 3, lines 20-35.

In the Gereg guide device, the helical tubing 19 is a single element and does not correspond to the claimed plural second elongate bodies. The coils of the helical tubing 19 are circular and not elongate, and the coils constitute a single length of tubing -- not plural elongate bodies, as required by claim 28. The individual coils of the helical tubing do not extend lengthwise in the axial direction in side-by-side relation with one another, as claimed, but rather the coils extend in the transverse or widthwise direction in side-by-side relation. The helical tubing, and the individual coils thereof, are not movable relative to the inner tube 21, as claimed, but rather the helical tubing 19 is bonded to both the inner tube 21 and the outer tube 20. The helical tubing 19 and the inner tube 21 are not movable relative to one another to impart flexibility to the guide device, as claimed, but rather the pressurized air in the helical space 22 is relieved in order to impart flexibility. Furthermore, the

inner tube 21 is not stretched radially outwardly to radially press the coils of the helical tubing 19 against the inner wall of the tube 20 "to impart stiffness to the guide device" as recited in claim 28, but rather pressurized air is introduced to the helical space 22 on the outside of the inner tube 21, which tends to press the tube 21 radially inwardly -- not radially outwardly as claimed.

The secondary reference to Soukup discloses an adjustable stiffness stylet 10 comprised of a flat wire spring 14 wound on a stylet core wire 12. A handle 16 is disposed at a proximal end 18 of the core wire 12. When the handle 16 is pushed inwardly, the flat wire spring 14 is compressed and the overall flexibility of the stylet stiffens. The flat wire spring 14 is a single element and does not correspond to the plural second elongate bodies recited in claim 28. In this respect, Soukup has the same deficiency as Gereg insofar as concerns the second plural bodies.

In the statement of rejection, the Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the Gereg guide device so that the helical tube 19 is movable relative to the inner tube 21 to provide further control of the tube flexibility. Applicant vigorously disagrees.



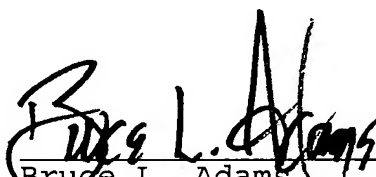
In Gereg, the helical tubing 19 is bonded and fixed to both the outer tube 20 and the inner tube 21, and this fixation is necessary to maintain the coils of the helical tubing spaced apart from one another to form the helical space 22. If two or more coils were movable into contact with one another, the helical air flow path would be blocked, thereby preventing pressurized air from filling the helical space 22 and imparting rigidity to the tube assembly. Thus in Gereg, the helical tubing 19 must be bonded or otherwise fixed to the outer and inner tubes 20,21 in order to maintain the helical air flow path. Thus regardless of any teaching afforded by Soukup, it would not have been obvious to one skilled in the art to make the coils of the helical tubing 21 movable relative to one another in the axial direction of the outer tube or sleeve 20. Moreover, even if such a modification were made, the modified Gereg guide device would not resemble that of claim 28 due to the many deficiencies of Gereg noted above.

Dependent claims 29-42 recite further features of the inventive guide device, and none of these features is found in the combined teachings of Gereg and Soukup. The dependent claims are, therefore, separately patentable.

In view of the foregoing, the application is now believed to be in allowable form. Accordingly, favorable reconsideration and passage of the application to issue are respectfully requested.

Respectfully submitted,

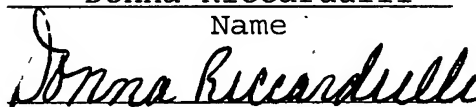
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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

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Signature

MARCH 16, 2009